

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|--------------------------|---|---------------------|
| ----- | X | |
| | : | |
| UNITED STATES OF AMERICA | : | |
| | : | |
| - v. - | : | |
| | : | S8 15 Cr. 536 (PGG) |
| OMAR AMANAT, | : | |
| | : | |
| Defendant. | : | |
| ----- | X | |

I, Julie Amato, pursuant to Title 28, United States Code, Section 1746, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am currently a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been an FBI Agent for approximately two years. I am currently assigned to a squad that investigates white collar crimes, including violations of the United States Securities Laws. I am one of the case agents assigned to the trial *United States v. Kaleil Isaza Tuzman and Omar Amanat*, S8 15 Cr. 536 (PGG).

2. I make this declaration in support of certain factual assertions made by the Government in a letter motion to the Court dated November 28, 2017.

The May 8-9, 2017 Email

3. As a case agent assigned to the ongoing trial, I was in Court on November 15, 2017. After the jury was dismissed, I walked back to the U.S. Attorney's Office with the prosecutors and paralegals. As soon as we returned to the U.S. Attorney's Office, a member of the prosecution team provided me with a copy of a document that purported to be an email chain containing nine individual emails, all dated May 8, 2009. I was also given a copy of Government Exhibit 1589. Based on my review, Government Exhibit 1589 is also a May 8, 2009 email chain. Government

Exhibit 1589 contained the bottom six emails that appeared in the printed chain. The top three email chains were not contained in Government Exhibit 1589. One of these emails was a purported 5:21 PM Email from Kaleil Isaza Tuzman to Omar Amanat, Irfan Amanat, Stephen Maiden and Kamal Tayara, which is pasted here for reference and referred to herein as the "5:21 PM email."

From: Kaleil Isaza Tuzman [mailto:kit@kitcapital.com]
Sent: Friday, May 8, 2009 5:21 PM EDT
To: Kamal Tayara; Stephen Maiden; Omar Amanat; Irfan Amanat
Subject: Important: FINAL execution copies

Also please note that upon execution *all prior agreements executed in December 2008 by and between Kit, Maiden and Omar are hereby* */null and void ab initio/* and of no further force or effect from this date forward and going back from inception.

Kaleil

Kaleil Isaza Tuzman
KIT Capital Ltd.
Dubai Media City
Building #9, Suite 107
Dubai, UAE
Cel (global): +1.917.428.7866
Email: kit@kitcapital.com
www.kitcapital.com

Timezones and Isaza Tuzman American Express Records

4. In my position as a Special Agent with the FBI, I have reviewed thousands of emails, including emails obtained through judicially authorized search warrants. Based on my training and experience, while timestamps within an email chain can conflict, this typically occurs when those emails were sent from different timezones. I have reviewed American Express records for a Kit Capital account known to be used by Isaza Tuzman. The records indicate that Isaza Tuzman was in Los Angeles, CA on May 8, 2009 and appears to have departed from Los Angeles International Airport on May 9, 2009.

Irfan Amanat Search Warrant

5. Based on speaking with the Postal Inspector who was assigned to this case as a case agent since at least 2015, I learned that in July 2016, the Government obtained a judicially authorized search warrant on the email account Irfan.Amanat@gmail.com, which is hosted by Gmail.

6. In preparation for this declaration, I reviewed emails contained within Irfan Amanat's Gmail account. The account contained thousands of relevant emails sent and received between 2008 and 2012.

7. On May 8, 2009 and May 9, 2009 alone, Irfan Amanat exchanged more than two dozen emails with Tuzman, Omar Amanat and/or Stephen Maiden.

8. Earlier versions of the May 8, 2009 email chain in question are present in the account, including the chain depicted in Government Exhibit 1589. The 5:21 PM email is not in Irfan Amanat's Gmail account.

9. An email recovered from Irfan Amanat's Gmail account reflected that on June 14, 2008, Omar Amanat emailed his brother to request assistance in "delet[ing] all of my emails from the yahoo site but download them onto my laptop" out of "concern[] about them subp[o]ning yahoo."

The Maiden Computers

10. Based on my review of FBI records, I know that in or about 2013, an individual named Stephen Maiden provided two computers to the FBI. Images of these computers were provided to the U.S. Attorney's Office. The computers are referred to herein as the "Maiden Computers."

11. Based on my review of images of the Maiden Computers, I identified thousands of emails for the email account smaiden@maidencap.com.

12. The Maiden Computers contained thousands of communications Maiden exchanged with Amanat, Tuzman and Irfan Amanat between 2008 and 2012.

13. Apart from the month of March 2009, for which the email files on Maiden's computer appear corrupted and incomplete, it does not appear to me that Maiden regularly deleted emails from his account.

14. On just May 8, 2009, Maiden received or sent more than a dozen emails to/from Tuzman, Omar Amanat and/or Irfan Amanat, including Government Exhibit 1589.

15. The 5:21 PM email appears nowhere on the Maiden Computers.

16. I have spoken to the Postal Inspector assigned to this case who informed me that she also reviewed all emails sent/received on May 8-9, 2009 in which both Irfan Amanat and Maiden are senders or recipients. In every case except the 5:21 PM email, she was able to locate that email in both places – in Irfan Amanat's email account and on the Maiden Computers.

Omar Amanat Search Warrant

17. Based on speaking with the Postal Inspector assigned to this case, I learned that in July 2016, the Government also obtained a judicially authorized search warrant on the email account omar@amanatcapital.com, which is hosted by Yahoo!

18. In preparation for this declaration, I reviewed the results of this search warrant, which reflected that all emails between 2008 and 2012 had been deleted from the account before the Government obtained the warrant.

Isaza Tuzman – Kit Capital Search Warrant

19. Based on speaking with the Postal Inspector assigned to this case, I learned that on or about November 20, 2017, the Government obtained a judicially authorized search warrant for content on May 8-9, 2009 in the Kit Capital email account (kit@kitcapital.com) purportedly used by Isaza Tuzman to send the 5:21 PM email. This account is hosted by Microsoft. The Government received the results on November 27, 2017.

20. The records indicate that Isaza Tuzman sent and received numerous emails from/to this account on May 8-9, 2009, including the emails in Government Exhibit 1589, among others.

21. In particular, I was able to confirm that both of the two prior emails in Government Exhibit 1589 authored by Isaza Tuzman are present in the account.

22. The 5:21 PM email is not in Isaza Tuzman's account.

Kamal Tayara – KCP Capital Search Warrant

23. Based on speaking with the Postal Inspector assigned to this case, I learned that on or about November 20, 2017, the Government obtained a judicially authorized search warrant for content on May 8-9, 2009 in the KCP Capital email account (kamal@kcpcapital.com) at which Kamal Tayara purportedly received the 5:21 PM Email. This account is hosted by Microsoft. Based on records obtained from Microsoft, I learned that this account is not hosted in the United States and the content is not available.

██████████ AOL Account and the ██████████ Yahoo! Account

24. Based on speaking with the Postal Inspector assigned to this case, I learned that on or about November 16, 2017 the Government obtained a judicially authorized search warrant for two additional accounts ██████████ and ██████████ both of which are

now hosted by Oath, Inc, for content for May 7-9, 2009. The AOL account did not contain the 5:21 PM email.

25. The Yahoo! account contained the full nine email May 8, 2009 email chain, ending with the May 8, 2009, 7:32 PM email from [REDACTED] to [REDACTED] and Omar Amanat. Based on my review of the meta data and headers for the 7:32 PM email, the search warrant returns can only verify the authenticity of the top email sent by [REDACTED] at 7:32 PM and cannot authenticate the 5:21 PM email.

26. In addition, I also spoke with an FBI Special Agent assigned to a cyber squad. This Special Agent has specific training and experience in investigations in which email authenticity and the review of metadata is in question, including in cases involving spoofing and fabrication. Based on speaking with my colleague, I learned that meta data maintained by service providers such as Yahoo! is only available for emails sent directly to/from a subject email account. Because the 5:21 PM email was not sent directly to or from the Yahoo! account maintained by [REDACTED] the Yahoo! records do not provide any information as to the authenticity of the 5:21 PM email.

Amanat Exhibits 9002, 9010, 9013, 908

27. I was provided with documents labeled Amanat Exhibits 9002, 9010 9013 and 908 and asked to search for these documents on the Maiden Computers.

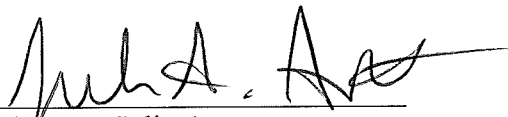
28. Amanat Exhibit 9002. The 11:07 PM email in this chain is not on the Maiden Computers.

29. Amanat Exhibit 9010. The 6:13 PM email in this chain is not on the Maiden Computers.

30. Amanat Exhibit 9013. The 11:34 AM email in this chain is not on the Maiden Computers.

31. Amanat Exhibit 908. The 11:33 AM email in this chain is not on the Maiden Computers. However, based on my review of the Maiden Computers, it appears that emails for March 2009 are corrupted and/or incomplete.

November 28, 2017
New York, New York


Special Agent Julie Amato
Federal Bureau of Investigation